

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH F. HERBERT,

Plaintiff,

v.

WARDEN HAROLD L. SMITH, et al.,

Defendants.

20-CV-6348 (PMH)

ORDER

PHILIP M. HALPERN, United States District Judge:

On March 25, 2021, Plaintiff filed his third application requesting that the Court appoint pro bono counsel. (Doc. 68; *see also* Docs. 21, 39). On March 29, 2021, Defendants opposed the request. (Doc. 69). Plaintiff's prior requests were denied because the Court determined, after application of the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), that Plaintiff had not made the requisite showing to demonstrate that the appointment of pro bono counsel was appropriate and/or that Plaintiff's request was premature. (See Doc. 30 at 3-4; Doc. 46 at 1). The Court denied Plaintiff's request for the appointment of pro bono counsel "without prejudice to Plaintiff renewing the request at a later stage of the litigation." (Doc. 46 at 1).

The procedural posture of this case has not changed significantly since Plaintiff's prior requests were denied and Plaintiff's third application for pro bono is likewise denied without prejudice to renewing at a later stage of the litigation. There is currently a motion to dismiss pending in this action (Doc. 56), which the Court will address in due course.

CONCLUSION

Plaintiff's application for pro bono counsel is denied without prejudice. The Clerk is directed to mail a copy of this Order to Plaintiff at the address provided on the docket and to terminate ECF No. 68.

Dated: White Plains, NY
March 30, 2021

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge